

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\***

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CARBOHYDRATE FORMULATION (PREBIOTIC ADJUVANT)  
FOR ENHANCEMENT OF IMMUNE RESPONSE**

and for which a patent application and for which a patent application

- ☒ is attached hereto.  
☒ which is identified by docket No. 88265-6764  
☐ which was filed on \_\_\_\_\_, as International Application No. \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION				
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
00200735.9	Europe	March 1, 2000	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

\* for use only when the application is assigned to a company, partnership or other organization.

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
PCT/EP01/001627	February 14, 2001		X	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

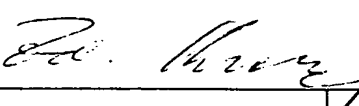

2 0 1	FULL NAME OF INVENTOR	LAST NAME <b>HASCHKE</b>	FIRST NAME <b>Ferdinand</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <i>München</i> <b>Randburg</b>	STATE OR FOREIGN COUNTRY <del>South Africa</del> <i>Germany</i>	COUNTRY OF CITIZENSHIP <b>Austria</b>	
	POST OFFICE ADDRESS	STREET <i>Prinzregentenstr. 155</i> <b>P.O. Box 50616</b> <b>Nestlé Hendrik</b> <b>Verwoerd Drive</b>	CITY <del>Randburg</del> <i>München</i>	STATE OR COUNTRY <b>South Africa</b> <i>Germany</i>	ZIP CODE <del>2125</del> <b>81677</b>
	SIGNATURE OF INVENTOR 201 <i>Ferdinand Haschke</i>			DATE <i>9.9.2002</i>	
2 0 2	FULL NAME OF INVENTOR	LAST NAME <b>CARRIE</b>	FIRST NAME <b>Anne-Lise</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Vevey</b>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>France</b>	
	POST OFFICE ADDRESS	STREET <b>36 ch. de Pomey</b>	CITY <b>Vevey</b>	STATE OR COUNTRY <b>Switzerland</b>	ZIP CODE <b>CH-1800</b>
	SIGNATURE OF INVENTOR 202			DATE	

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
<b>PCT/EP01/001627</b>	<b>February 14, 2001</b>		<b>X</b>	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME <b>HASCHKE</b>	FIRST NAME <b>Ferdinand</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Randburg</b>	STATE OR FOREIGN COUNTRY <b>South Africa</b>	COUNTRY OF CITIZENSHIP <b>Austria</b>	
	POST OFFICE ADDRESS	STREET <b>P.O. Box 50616 Nestlé Hendrik Verwoerd Drive</b>	CITY <b>Randburg</b>	STATE OR COUNTRY <b>South Africa</b>	ZIP CODE <b>2125</b>
		SIGNATURE OF INVENTOR 201		DATE	
2 0 2	FULL NAME OF INVENTOR	LAST NAME <b>CARRIE</b>	FIRST NAME <b>Anne-Lise</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Vevey</b> <i>Unterberg</i> <i>MC</i>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>France</b>	
	POST OFFICE ADDRESS	STREET <i>Weg tal st. 28</i> <b>36 ch. de Pomey</b> <i>MC</i>	CITY <i>Unterberg</i> <i>MC</i> <b>Vevey</b>	STATE OR COUNTRY <b>Switzerland</b>	ZIP CODE <b>CH-1800</b>
		SIGNATURE OF INVENTOR 202 <i>MC</i>		DATE <i>04.09.02</i>	

2 0 3	FULL NAME OF INVENTOR	LAST NAME <b>KRATKY</b>	FIRST NAME <b>Zdenek</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Maracon</b>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>The United States of America</b>	
	POST OFFICE ADDRESS	STREET <b>Au Rattalez</b>	CITY <b>Maracon</b>	STATE OR COUNTRY <b>Switzerland</b>	ZIP CODE <b>CH-1613</b>
		SIGNATURE OF INVENTOR 203 		DATE <i>Sept. 17, 2002</i>	
2 0 4	FULL NAME OF INVENTOR	LAST NAME <b>LINK-AMSTER</b>	FIRST NAME <b>Harriet</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <i>VEVEY</i> <del><b>Villars-sur-Ollon</b></del>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>Switzerland</b>	
	POST OFFICE ADDRESS	STREET <i>BD. ST. MARTIN 16</i> <del><b>Topaze, Dom- Rocheprise</b></del>	CITY <i>VEVEY</i> <del><b>Villars-sur-Ollon</b></del>	STATE OR COUN <b>Switzerland</b>	ZIP CODE <b>CH-1884 1800</b>
		SIGNATURE OF INVENTOR 204 <i>Hamel Link-Amster</i>		DATE <i>8 September, 2002</i>	
2 0 5	FULL NAME OF INVENTOR	LAST NAME <b>ROCHAT</b>	FIRST NAME <b>Florence</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Montreux</b>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>Switzerland</b>	
	POST OFFICE ADDRESS	STREET <b>Quartier des Tilleuls 6</b>	CITY <b>Montreux</b>	STATE OR COUNTRY <b>Switzerland</b>	ZIP CODE <b>CH-1020</b>
		SIGNATURE OF INVENTOR 205 		DATE <i>Oct. 03 2002</i>	

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Ferdinand HASCHKE et al.

Application No.:

Group Art Unit:

Filed: Herewith

Examiner:

For: CARBOHYDRATE FORMULATION  
(PREBIOTIC ADJUVANT)  
FOR ENHANCEMENT OF IMMUNE RESPONSE

Attorney Docket No.: 88265-6764

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

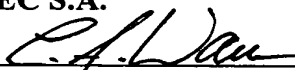
The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) of WINSTON & STRAWN (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone 212-294-3311, facsimile 212-294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording and a copy is attached. The undersigned has reviewed this assignment and, to the best of his knowledge, title is in the assignee seeking to take action in this application and that he is empowered to act on its behalf.

ASSIGNEE: NESTEC S.A.

Signature:



Date of Signature:

4 SEP 2002

Typed Name:

Claude-Alain WAVRE

Position/Title:

Authorised Signatory

Address:

Avenue Nestlé 55

1800 Vevey

Switzerland

MARCH 06, 2003

PTAS

Chief Information Officer  
Washington, DC 20231  
www.uspto.gov

WINSTON & STRAWN  
PATENT DEPARTMENT  
1400 L STREET, N.W.  
WASHINGTON, DC 20005-3502



\*102276640A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/31/2002

REEL/FRAME: 013457/0791  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HASCHKE, FERDINAND

DOC DATE: 09/09/2002

ASSIGNOR:

CARRIE, ANNE-LISE

DOC DATE: 09/04/2002

ASSIGNOR:

KRATKY, ZDENEK

DOC DATE: 09/27/2002

ASSIGNOR:

LINK-AMSTER, HARRIET

DOC DATE: 09/03/2002

ASSIGNOR:

ROCHAT, FLORENCE

DOC DATE: 10/01/2002

ASSIGNEE:

NESTEC S.A.  
AVENUE NESTLE 55  
CH-1800 VEVEY, SWITZERLAND

(AAF)  
RECEIVED

MAR 11 2003

WINSTON & STRAWN  
DOCKETING DEPT. (D.C.)

013457/0791 PAGE 2

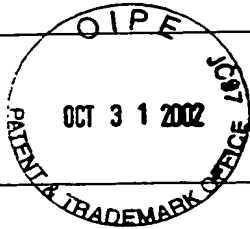
SERIAL NUMBER: 10228722  
PATENT NUMBER:

FILING DATE: 08/26/2002  
ISSUE DATE:

VIOLET MCCOY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

11-08-2002

Express Mail No. EV 074 517 300 US



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/ER SHEET  
LY

10.31.02

Attorney Docket Number : 88265-6764

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
Box Assignment  
Washington, DC 20231

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**Ferdinand HASCHKE** (executed 9/9/02)  
**Anne-Lise CARRIE** (executed 9/4/02)  
**Zdenek KRATKY** (executed 9/27/02)  
**Harriet LINK-AMSTER** (executed 9/8/02)  
**Florence ROCHAT** (executed 10/1/02)

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

**NESTEC S.A.**  
**Avenue Nestlé 55**  
**CH-1800 Vevey**  
**SWITZERLAND**

3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: \_\_\_\_\_

4. Application number(s) or patent number(s): **10/228,722 filed August 26, 2002**

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) \_\_\_\_\_

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

**WINSTON & STRAWN**  
**CUSTOMER NO. 28765**

6. Number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$ **40.00**  
 Please charge to the deposit account listed in Section 8.

8. Deposit account number: **501-814****DO NOT USE THIS SPACE**

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Atlan A. Fanucci Reg. No. 30,256

Signature

Date

10/31/02

Total number of pages including cover sheet:

6

11/07/2002 LKJELLER 00000289 501814 10228722

01 FC:8021

40.00 CH

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patents & Trademarks, Box Assignment  
 Washington, D.C. 20231



## ASSIGNMENT

WHEREAS, WE,

**Ferdinand HASCHKE**, a citizen of Austria, residing at  
P.O. Box 50616, Nestlé Hendrik Verwoerd Drive, 2125  
Randburg, South Africa;

**Anne-Lise CARRIE**, a citizen of France, residing at  
36 ch. de Pomey, CH-1800 Vevey, Switzerland;

**Zdenek KRATKY**, a citizen of The United States of America,  
residing at Au Rattalez, CH-1613 Maraçon, Switzerland;

**Harriet LINK-AMSTER**, a citizen of Switzerland, residing at  
~~Topaze, Dom. Rochegrise, CH-1884, Villars-sur-Ollon, Switzerland; and~~ 172  
~~BD. ST. MARTIN 16, CH 1800 VEEVEY~~

**Florence ROCHAT**, citizen of Switzerland, residing at  
Quartier des Tilleuls 6, CH-1020, Montreux, Switzerland.

ASSIGNORS, are the inventors of the invention entitled: **CARBOHYDRATE FORMULATION (PREBIOTIC ADJUVANT) FOR ENHANCEMENT OF IMMUNE RESPONSE**, for which we have executed an application for a Patent of the United States

- ☒ which is identified by Docket No. 88265-6764
- ☒ which was filed on \_\_\_\_\_ as International Application No. \_\_\_\_\_.

and WHEREAS, NESTEC S.A., a Swiss corporate body having a place of business at Avenue Nestlé 55, CH-1800 Vevey, Switzerland, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

## ASSIGNMENT

WHEREAS, WE,

**Ferdinand HASCHKE**, a citizen of Austria, residing at  
P.O. Box 50616, Nestlé Hendrik Verwoerd Drive, 2125  
Randburg, South Africa;

**Anne-Lise CARRIE**, a citizen of France, residing at  
~~36 ch. de Pomey, CH-1800 Vevey, Switzerland;~~

~~Waggatalsstrasse 25, CH 3342 Unterkingen, Switzerland~~ MC

**Zdenek KRATKY**, a citizen of The United States of America,  
residing at Au Rattalez, CH-1613 Maraçon, Switzerland;

**Harriet LINK-AMSTER**, a citizen of Switzerland, residing at  
Topaze, Dom. Roche-grise, CH-1884, Villars-sur-Ollon, Switzerland; and

**Florence ROCHAT**, citizen of Switzerland, residing at  
Quartier des Tilleuls 6, CH-1020, Montreux, Switzerland.

ASSIGNORS, are the inventors of the invention entitled: **CARBOHYDRATE FORMULATION (PREBIOTIC ADJUVANT) FOR ENHANCEMENT OF IMMUNE RESPONSE**, for which we have executed an application for a Patent of the United States

☒ which is identified by Docket No. 88265-6764

☒ which was filed on \_\_\_\_\_ as International Application No. \_\_\_\_\_.

and WHEREAS, NESTEC S.A., a Swiss corporate body having a place of business at Avenue Nestlé 55, CH-1800 Vevey, Switzerland, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:


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AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith;

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 9.9.2002, 2002  **Ferdinand HASCHKE**

On 09.09.2002, 2002, before me, JUANITA STEVENSON,  
Witness, appeared **Ferdinand HASCHKE**, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Date \_\_\_\_\_, 2002 \_\_\_\_\_  
Witness

Date \_\_\_\_\_, 2002 \_\_\_\_\_  
**Anne-Lise CARRIE**

On \_\_\_\_\_, 2002, before me, \_\_\_\_\_,  
Witness, appeared **Anne-Lise CARRIE**, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Date \_\_\_\_\_, 2002 \_\_\_\_\_  
Witness

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith;

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date \_\_\_\_\_, 2002 \_\_\_\_\_

**Ferdinand HASCHKE**

On \_\_\_\_\_, 2002, before me, \_\_\_\_\_,  
Witness, appeared **Ferdinand HASCHKE**, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Date \_\_\_\_\_, 2002 \_\_\_\_\_

Witness

Date 04.09., 2002 \_\_\_\_\_

**Anne-Lise CARRIE**

On 04.09., 2002, before me, Peter Faisol,  
Witness, appeared **Anne-Lise CARRIE**, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Date 04.09., 2002 \_\_\_\_\_

Witness

Date 7<sup>th</sup> September, 2002

Zdenek KRATKY  
Zdenek KRATKY

On 7<sup>th</sup> September, 2002, before me, Zdenek KRATKY,  
Witness, appeared **Zdenek KRATKY**, to me known and known to me to be the person of  
that name, who signed the foregoing instrument, and acknowledged the same to be his/her  
free act and deed.

Date 7<sup>th</sup> September, 2002

Witness

Date 8 September, 2002

Harriet Link-Amster

**Harriet LINK-AMSTER**

On 8 September, 2002, before me, Bruno Link,  
Witness, appeared **Harriet LINK-AMSTER**, to me known and known to me to be the  
person of that name, who signed the foregoing instrument, and acknowledged the same to be  
his/her free act and deed.

Date 8 September, 2002

Link  
Witness

Date 17<sup>th</sup> September, 2002

Florence ROCHAT  
**Florence ROCHAT**

On Oct. 1, 2002, before me, Florence ROCHAT,  
Witness, appeared **Florence ROCHAT**, to me known and known to me to be the person of  
that name, who signed the foregoing instrument, and acknowledged the same to be his/her  
free act and deed.

Date Oct. 1, 2002

Florence ROCHAT  
Witness